

Opponents of bills have legislative edge—Kelly

By Julie Bird

Before Grand Island Sen. Ralph Kelly finally got LB221 passed, much to the consternation of many UNL freshmen, the bill was subjected to nearly every move allowed by the rules of the Legislature.

The result was a watered-down version

of Kelly's original plan to raise the legal minimum drinking age to 21. Kelly was, to an extent, at the mercy of his opponents.

Part of Kelly's problem was that solid support for his bill wavered just below the 25 votes needed to whisk it through the steps every bill must climb to become law.

His opponents, on the other hand, didn't have a firm 25 votes either, and couldn't kill the bill.

Those few senators who straddled the fence became the subjects of intense legislative maneuvering, because they were the ones who ultimately would decide whether Nebraska's 19-year-olds would soon be taking their last legal drink.

Amended to death

Subsequently, Kelly watched as his bill was amended almost beyond recognition by measures to restrict off-sale liquor purchases but allow on-site consumption (in bars), as well as several other changes. Last year, the bill was filibustered, and the unicameral became a circus as senators on both sides pulled every trick they knew to try to move or stall the bill.

can make.

And the list is complicated motions to stop debate or overrule the presiding officer or change the agenda. Often, the speaker, Sen. Richard Marvel of Hastings, sends the clerk scurrying for the rules to check on how many votes are needed. Fortunately, clerk Patrick O'Donnell is well-versed in the intricate, winding passages of the rules book.

At any rate, Kelly says that with the exception of the motion to reconsider, the introducer of a bill, and possibly the majority of the members, can be at the mercy of a minority who can conceivably amend a bill all day or even all session.

Finally, after all that amending, the result is a bill that won't work, so it's killed, he said. Or, if it's not killed but still doesn't advance, it goes to the bottom of the pile, which also means death in a Legislature that is cramped for time.

Church . . .

Continued from Page 4

The conflict is many-sided, both as a religious and social issue. The property rights of the local congregations, who raised the money to build the church, are pitted against the doctrinal rights of national synods and associations, who determine the organization of churches. The right of people to believe as they wish, even about church buildings, is pitted against the court's mission to protect property rights and freedom of association.

It appears the Court has directly contradicted an article of faith in a religion, which is a violation of the separation between church and state. Besides not encouraging any particular group of beliefs, the government is interdicted from discouraging any.

Yet courts have intervened in matters of belief, most notably by issuing an injunction against snake-handling in West Virginia. The line drawn between what people believe and the way they can act on those beliefs is constantly under contention, since it is the interface between faith and society at large.

Almost every church in this country is evangelical, dedicated to bringing new members into the organization. The manners and methods it uses in pursuit of this belief are a fit subject for governmental rulings, both in the courts and legislatures.

The recent ruling by the ASUN Student Court on the Josh McDowell speech in the Nebraska Union is a comment on

this interface. University policy forbids the use of university facilities to promote any particular religion. This is no comment on the beliefs themselves, but it states that this government agency cannot, even indirectly, promote on religious belief.

Yet, by denying an evangelical faith the ability to propound and advertise their beliefs is an attempt to gain new members, this policy, like the Supreme Court's ruling, contradicts an article of religious faith. Whether by benign neglect or by direct interference, the state has once again come into conflict with religion and, as usual, religion loses.

But the harried balancing act between civil rights goes on. Does the freedom of speech allow a violation of the separation of church and state, part of freedom of religion? Is the freedom from unlawful seizure of property outweighed by freedom of association and the rules of that association?

The Supreme Court, like the Student Court, has ruled that social realities take priority over religious reality. The Student Court ruled that even tacit acceptance of one religion over another is unbecoming to the system of government practiced in this country. The Supreme Court ruled that even tacit acceptance of church doctrine that violates common law property rights is unbecoming to the social system practiced in this nation.

Religion has its uses, but freedom has many more.

legislature

Finally, LB221 was passed with a "compromise" of raising the age to 20, and Kelly had to take it or leave it. He took it.

Kelly said he feels that the majority of the tools of the Legislature are in the hands of the opponents of a bill, and those people, with minimal support, can effectively paint the introducer into a corner and leave him there until the paint dries.

The problem, Kelly said, is that opponents need only a simple majority of those present to amend a bill. Actually, an amendment needs 25 votes, but an amendment to the amendment needs the majority vote of those present.

Confusion

Sound confusing? It is, especially when coupled with the other motions legislators

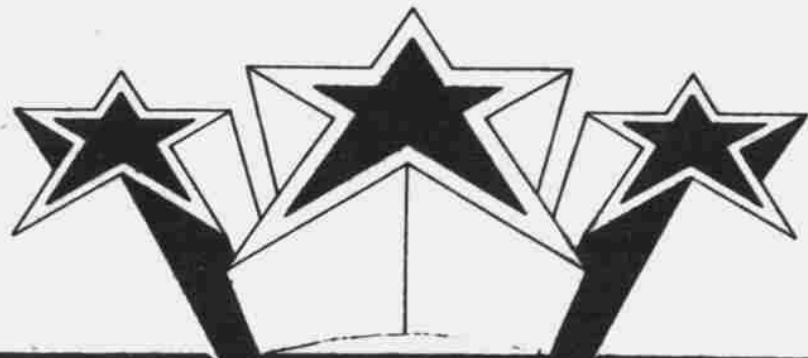
Legislative tools

In other words, use of those tools by a skillful legislator can take time and continue to stall a bill until finally, with one last, slow, painful gasp, it dies under the weight of all the other legislation piled on top of it.

Speaker Marvel said the rules were designed to protect the minority, which is a necessary part of the democratic system. Besides, Marvel adds, 60 percent of the bills introduced eventually become law, so the majority is not completely stymied.

Sen. Tom Vickers of Farnam, a relative newcomer to the legislature, said he sees the rules as fair because the majority is meant to rule. The majority, he adds, can either oppose or support a bill.

Kelly isn't bitter, but frustration is understandable for someone who watched his pet project nearly butchered. The "democratic process" is an exercise in futility for some.



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